

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA

v.

ALEJANDRO HERNANDEZ

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CRIMINAL NO. 5:18-cr-523-02

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through Ryan K. Patrick, United States Attorney for the Southern District of Texas and Lisa Ezra, Special Assistant United States Attorney, and the defendant, ALEJANDRO HERNANDEZ and the defendant's counsel, hereby stipulate as follows:

I.

If this case proceeded to trial, the United States of America would prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the Defendant's guilt:

II.

On June 25, 2018, a Border Patrol Agents (BPA), conducting highway interdiction operations, observed traffic on Farm to Market (FM) 1017 and FM 2686 near Hebbronville, Texas. At various times, they observed a silver Volkswagen Passat, a white Chevrolet Equinox, a Ford Raptor, a Chevrolet Silverado and a Chevrolet Malibu driving on FM 2686 and turning north onto FM 1017. Based on their travel patterns, speed, location and the way some vehicles followed other vehicles in tandem, BPAs believed that all vehicles were involved in the same smuggling event, either scouting or with a load of aliens.

A BPA initiated his emergency equipment to perform a stop for an immigration inspection on the Chevrolet Silverado. The Silverado pulled to the side of FM 1017. The BPA exited his vehicle and began walking toward the Silverado. When the BPA reached the Silverado, the truck accelerated and sped off. The BPA again followed the Silverado from a safe distance since it was swerving to both sides of FM 1017 in an unsafe manner and traveling at a high rate of speed. The Ford Raptor continued to drive in front of the Silverado.

The BPA followed the Raptor and Silverado for approximately 6 miles north on FM 1017. The Silverado then took a sharp right turn and attempted to turn onto Agua Nueva Road. The Silverado was traveling too fast to make the turn, drove through a fence and crashed into a tree. The Raptor kept driving northbound.

The BPA observed eight (8) individuals run away from the vehicle. He was able to immediately apprehend one subject, who was an undocumented alien (UDA) without authority to enter, travel through or remain in the United States. The BPA then checked the truck for any injured subjects, but found no additional subjects in or near the vehicle.

Additional BPAs arrived and located four (4) more subjects from the brush that had absconded from the Silverado. All four (4) subjects claimed to be UDAs. A BPA immediately recognized the lone male subject of the four hiding in the brush as Florentino SANCHEZ III. SANCHEZ III claimed to be from Mexico. The BPA recognized SANCHEZ III as a driver in a failed alien smuggling attempt on April 4, 2018. The BPA presented SANCHEZ III with this information and SANCHEZ III admitted to being a United States citizen. SANCHEZ III stated that there were seven (7) UDAs in the Silverado and they all ran away. On June 26, 2018, two (2) additional UDAs were apprehended on FM 1017 near the Alta Vista main ranch gate. They both

admitted to being inside the Silverado that crashed into the tree. A total of six (6) UDAs from the Silverado were apprehended.

A BPA performed a stop on the Chevrolet Malibu and questioned the driver, later identified as Alejandro HERNANDEZ, as to his citizenship and immigration status. The driver stated he was a United States citizen. The BPA questioned HERNANDEZ about his vehicle's movements on FM 1017 and HERNANDEZ stated that he was going back to Roma, Texas from working on an oil pipeline sight. The BPA informed HERNANDEZ that he saw HERNANDEZ travel west on FM 2686 and turn north on to FM 1017, which is not the route to travel to Roma. HERNANDEZ stated that he "can travel where ever he wants" and would not give a clear answer. The BPA arrested HERNANDEZ.

In a search incident to arrest, a two-way radio was located in the Silverado. Another two-way radio was located in the Malibu. SANCHEZ III stated that he was utilizing the radio to communicate with the scouts in the area so they could advise him of any law enforcement presence.

After rights advisement and waiver, SANCHEZ III further stated that a man named "Mark" gave him the Silverado. The UDAs were loaded into the truck at a house. SANCHEZ III stated that while he was driving the UDAs, he would communicate via radio with Mark and other people to make sure no law enforcement was present. When a BPA attempted to make a stop on his vehicle, Mark told him to get away. SANCHEZ III stated that he then lost control of the Silverado and crashed. SANCHEZ III identified Mark as HERNANDEZ from a six-person photographic lineup. SANCHEZ III stated that Mark was to pay him \$1,000.00 for transporting the UDAs.


After rights advisement and subsequent waiver, HERNANDEZ stated that a "Beto" hired him to act as a scout for an alien smuggling event. He was to be paid \$300.00. Beto gave HERNANDEZ a high-frequency radio to use to communicate during the event. At 8:30 p.m. on

June 25, 2018, Beto called and told HERNANDEZ to wait for him on SH 83 near a Pizza Hut in Roma, Texas. Beto told HERNANDEZ to wait for him (in a red Ford Raptor) and a white Chevrolet truck to pass his location, and then to follow them. They travelled for about an hour and communicated over radio about law enforcement presence. HERNANDEZ then heard over the radio that the Chevrolet truck was getting pulled over and he turned around.

Edgar Javier MORENO-Fuentes and Heidy Rivas PEREZ-Rivas are being held as material witnesses. They paid various amounts to be smuggled to various locations within the United States. Both positively identified SANCHEZ III as the driver of the vehicle in which they were being transported.

On June 27, 2018, SANCHEZ III admitted that two additional UDAs were being held at an apartment he was renting. SANCHEZ III gave verbal and written consent to search his apartment. Two (2) additional UDAs were found in his apartment.

Defendant, **ALEJANDRO HERNANDEZ**, herby confesses and judicially admits that on **June 25, 2018**, he knowingly **conspire to transport undocumented aliens within the United States**, in violation of Title 8, United States Code, Sections **1324(a)(1)(A)(ii) and (v)(I)**.

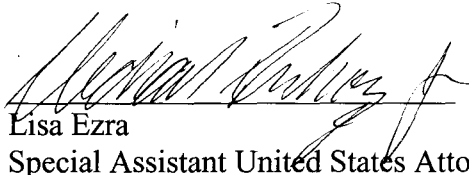


ALEJANDRO HERNANDEZ
Defendant


APPROVED:

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Attorney for Defendant